

# Notice of Allowability

Application No.

09/632,154

Examiner

Cao (Kevin) Nguyen

Applicant(s)

LEAHY ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 04/28/06.
2. ☒ The allowed claim(s) is/are 5-8,18-20,22-26,28,32,33,35,36 and 38-40.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date 12/10/02.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

CAO (KEVIN) NGUYEN  
PRIMARY EXAMINER

### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Neil Cohen on 06/16/06.

The application has been amended as follows:

**Claim 25 (Currently Amended)** A software program recorded on a machine-readable medium for enabling a first user interact with other users in a virtual space, wherein the first user and the other users each have an avatar a client process associated therewith, and wherein each client process is in communication with a server process,

wherein the software program comprises instructions for causing the client process associated with the first user to perform the following steps:

- (a) receiving a position of at less than all of the other users' avatar from the server process; and
- (b) determining, from the received positions, a set of the other users' avatars that are to be displayed to the first user.

**Claim 32 (Currently Amended)** A software program recorded on a machine-readable medium for enabling a plurality of users to interact in a virtual space, wherein each user has a computer associated therewith, wherein each computer has a client process associated therewith, wherein each client process has an avatar associated therewith, and wherein each client process

is in communication with a server process, wherein the software program includes instructions for:

(a) monitoring, by each client process, a position of the avatar associated with the client process;

(b) transmitting, by each client process to the server process, the position of the avatar associated with the client process;

(c) transmitting, by the server process to each client process, the positions of less than all of the avatars that are not associated with the client process; and

(d) determining from the positions transmitted in step (c), by each client process, a set of the avatars that are to be displayed.

**Claim 32 (Currently Amended)** A software program recorded on a machine-readable medium for operating a server to enable a plurality of users to interact in a virtual space, wherein each user has a computer associated therewith, wherein each computer has a client process associated therewith, wherein each client process has an avatar associated therewith, wherein the server has a process associated therewith, and wherein each client process is in communication with the server process, wherein the software program comprises instructions for:

(a) receiving from each client process by the server process, data indicating a position of the avatar associated with the client process; and

(b) synchronously disseminating the positions of less than all of the avatars not associated with a particular client process to each of the other client processes so that the particular client process can determine from the positions a set of avatars that are to be displayed.

***Allowable Subject Matter***

Claims 5-8, 18-20, 22-26, 28, 32-33, 35-36 and 38-40 are allowed over the prior art of record.

The following is a statement of reasons for the indication of allowable subject matter: Applicant has claimed uniquely distinct features in the instant invention which are not found in the prior art either singularly or in combination of a method (a) receiving a position of at less than all of the other users' avatar from the server process; and (b) determining, from the received positions, a set of the other users' avatars that are to be displayed to the first user, wherein the steps (a) and (b) are performed by the client process associated with the first user. The closest prior art Suzuki discloses a conventional terminals each receive of all of the position information of other user's avatar from the server; either singularly or in combination fail to anticipate or render the above underline limitations obvious.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cao (Kevin) Nguyen whose telephone number is (571)272-4053. The examiner can normally be reached on 8:30AM-5:00PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571)272-4048. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Cao (Kevin) Nguyen  
Primary Examiner  
Art Unit 2173

06/26/06